

## Article - Transportation

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§21–902.2.

(a) In this section, “ignition interlock system” means a device that:

(1) Connects a motor vehicle ignition system to a breath analyzer that measures a person’s blood alcohol level;

(2) Prevents a motor vehicle ignition from starting if a person’s blood alcohol level exceeds the calibrated setting on the device; and

(3) Has a camera:

(i) With the capability of recording still images of the person taking the test of the person’s blood alcohol level;

(ii) Without the capability to record sound;

(iii) Without the capability to record video; and

(iv) That records images only while the device is testing the blood alcohol level of the person taking the test or if the device is being tampered with.

(b) In addition to any other penalty for a violation of § 21–902(a) or (b) of this subtitle or in addition to any other condition of probation, a court may prohibit a person who is convicted of, or granted probation under § 6–220 of the Criminal Procedure Article for, a violation of § 21–902(a) or (b) of this subtitle from operating for not more than 3 years a motor vehicle that is not equipped with an ignition interlock system.

(c) If the court imposes the use of an ignition interlock system as a sentence, part of a sentence, or condition of probation, the court:

(1) Shall state on the record the requirement for and the period of the use of the system and so notify the Administration;

(2) Shall direct that the records of the Administration reflect:

(i) That the person may not operate a motor vehicle that is not equipped with an ignition interlock system; and

(ii) Whether the court has expressly allowed the person to operate a motor vehicle without an ignition interlock system under subsection (g)(2) of this section;

(3) Shall direct the Administration to note on the person's license in an appropriate manner a restriction imposed under paragraph (2)(i) or (ii) of this subsection;

(4) Shall require proof of the installation of the system and periodic reporting by the person for verification of the proper operation of the system;

(5) Shall require the person to have the system monitored for proper use and accuracy at least semiannually, or more frequently as the circumstances may require, by an entity approved by the Administration; and

(6) (i) Shall require the person to pay the reasonable cost of leasing or buying, monitoring, and maintaining the system; and

(ii) May establish a payment schedule.

(d) A person prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system may not solicit or have another person start or attempt to start a motor vehicle equipped with an ignition interlock system.

(e) A person may not start or attempt to start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system.

(f) A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition interlock system that has been installed in the motor vehicle of a person under this section or Title 16 of this article.

(g) (1) Subject to paragraph (2) of this subsection, a person may not knowingly furnish a motor vehicle not equipped with a functioning ignition interlock system to another person who the person knows is prohibited under subsection (b) of this section or Title 16 of this article from operating a motor vehicle not equipped with an ignition interlock system.

(2) (i) This paragraph does not limit or otherwise affect any provision of federal or State law relating to a holder of a commercial driver's license.

(ii) If a person is required in the course of the person's employment to operate a motor vehicle owned or provided by the person's employer, the person may operate that motor vehicle in the course of the person's employment without installation of an ignition interlock system if:

1. The person has not been convicted of:
  - A. A violation of § 21-902(a) of this subtitle more than once within a 5-year period;
  - B. A violation of § 21-902(a) of this subtitle within 5 years after the person previously was convicted of a violation of § 21-902(d) of this subtitle; or
  - C. A violation of § 21-902(d) of this subtitle within 5 years after the person previously was convicted of a violation of § 21-902(a) of this subtitle; and
2. The court or the Administration has expressly allowed the person to operate in the course of the person's employment a motor vehicle that is not equipped with an ignition interlock system.

(iii) The Administration may allow a participant in the Ignition Interlock System Program under § 16-404.1 of this article to operate in the course of the person's employment a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock system if:

1. The person provides information acceptable to the Administration regarding the person's current employment and the need for the person to operate the motor vehicle in the course of employment; and
2. The person has not been convicted of:
  - A. A violation of § 21-902(a) of this subtitle more than once within a 5-year period;
  - B. A violation of § 21-902(a) of this subtitle within 5 years after the person previously was convicted of a violation of § 21-902(d) of this subtitle; or
  - C. A violation of § 21-902(d) of this subtitle within 5 years after the person previously was convicted of a violation of § 21-902(a) of this subtitle.

(h) A person convicted of a violation of subsection (d), (e), (f), or (g) of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both.

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